

STATE ELECTION COMMISSION, MAHARASHTRA

No. SEC. 1095/CR-11/Desk-3,
 New Administrative Building,
 Opposite Mantralaya,
 Madame Cama Road, Bombay 400 032.
 Dated the 10th April 1995.

To,
 All the Divisional Commissioners.
 All the Municipal Commissioners.
 All the Collectors.
 All the Chief Executive Officers of Zilla Parishad.

Subject.—General or bye-election to Municipal Corporation, Municipal Council, Zilla Parishad and Panchayat Samiti.

Sub-rule (2) of rule 4 of the Maharashtra Local Authority Members' Disqualification Rules, 1987 made under the Maharashtra Local Authority Members' Disqualification Act, 1986 provides *inter alia* that every councillor in relation to a Municipal Party and a Zilla Parishad Party and Member in relation to a Panchayat Samiti Party who takes his seat in the Municipal Corporation, Municipal Council, Zilla Parishad or, as the case may be, in Panchayat Samiti, after the commencement of the said rules (it appears that these rules have commenced on the 1st November 1987, on which date they have been gazetted) shall, before taking his seat in the Municipal Corporation, Municipal Council, Zilla Parishad or, as the case may be, Panchayat Samiti deposit with the Commissioner (which expression means the Commissioner of a Revenue Division appointed under section 6 of the Maharashtra Land Revenue Code, 1966, Cf. Section 2(c) of the Local Authority Members' Disqualification Act, 1986) his Election certificate or, as the case may be, certified copy of the notification nominating him as a member. The *Explanation* appended to the said sub-rule (2) of rule 4 provides that the "election certificate" means the certificate of election issued under the relevant Municipal Acts or Zilla Parishad Act. None of these Acts in operation in the State or the Election Rules made thereunder provide for issuance of an election certificate to an elected candidate at the general or bye-election. It is, therefore, expedient to prescribe such certificate to meet the requirements of the said rule 4(2). The State Election Commission, therefore, in exercise of the powers conferred by Articles 243-K and 243-ZA of the Constitution of India, read with sub-section (4) of section 18A of the Bombay Municipal Corporation Act (Bom. III of 1888), sub-section (4) of section 9B of the City of Nagpur Corporation Act, 1948 (C. P. and Berar II of 1950), sub-section (4) of section 14 of the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), sub-section (4) of section 10A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, the Zilla Parishads and Panchayats Samitis Act, 1961 (Mah. V of 1962), and of all other powers enabling it in this behalf, directs that an "election certificate" in the form appended herewith

and as may be relevant shall be issued by the Returning Officer to a contesting candidate who has been declared elected as a councillor or, as the case may be, a member at any general or bye-election to the Municipal Corporation, Municipal Council, Zilla Parishad, or, as the case may be, the Panchayat Samiti.

D. N. CHAUDHARI,
State Election Commissioner, Maharashtra.

Encl. Form of Election Certificate.

Copy forwarded for information to—

- (1) The Chief Secretary to the Government of Maharashtra, Mantralaya, Mumbai 400 032.
- (2) The Principal Secretary to the Government of Maharashtra, Urban Development Department, Mantralaya, Mumbai 400 032.
- (3) The Secretary to the Government of Maharashtra, Rural Development Department, Mantralaya, Mumbai 400 032.

राज्य निवडणूक आयोग, महाराष्ट्र

[राज्य निवडणूक आयोगाच्या आदेश क्रमांक : एसईसी-१०९५/सीआर ११/डेस्क-३,
दिनांक १० एप्रिल १९९५ अन्वये विहित केलेले]

प्रमाणपत्र

जिल्हापरिषद
पंचायत समिती

सार्वत्रिक निवडणूक
पोट निवडणूक

मी

निर्वाचन अधिकारी, निवडणूक विभाग
निर्वाचन गण

जिल्हा परिषद पंचायत समिती, जिल्हा

याअन्वये प्रमाणित करतो की, दिनांक

रोजी

श्री. / श्रीमती

पक्षाने / आघाडी / फ्रंट यांनी पुरस्कृत केलेले / स्वतंत्र उमेदवार] जिल्हा परिषद क्षेत्रामधील
पंचायत समिती

निवडणूक विभाग

मधून सदस्य म्हणून नियुक्त आले आहेत.

निर्वाचन गण

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निर्वाचन अधिकारी.

ठिकाण :

निवडणूक विभाग

दिनांक :

निर्वाचन गण

जिल्हा परिषद

पंचायत समिती.

STATE ELECTION COMMISSION

No. SEC. 1095/CR-11/Desk-3,
New Administrative Bldg.,
Opp. Mantralaya, Madam Cama Road,
Bombay 400 032.

Date 8th June, 1995.

To,

All the Divisional Commissioners,
All the Municipal Commissioners,
All the Collectors.
All the Chief Executives of Zilla Parishads.

Sub. : General/Bye-election to the Municipal Corporation, Municipal Council, Zilla Parishad
and Panchayat Samiti.

Ref. : Letter No. SEC-1095/CR-11/Desk-3, dated the 10th April 1995 from the State
Election Commission, Maharashtra.

The State Election Commission, Maharashtra, has prescribed formats of election certificates to be issued to the candidates elected at any election or bye-election to a Municipal Corporation or a Municipal Council or a Zilla Parishad or a Panchayat Samiti. Under the provisions of Rule 4(2) of the Maharashtra Local Authority Members' Dis-qualification Rules, 1987, a councillor elected to a Municipal Corporation has to deposit this election certificate with the Commissioner of a revenue division and in the case of a councillor elected to a Municipal Council, Zilla Parishad or a member elected to a Panchayat Samiti has to deposit the election certificate with the Collector of a district. While issuing election certificate, these provisions may be brought to the notice of a councillor or, as the case may be a member.

D. N. CHAUDHARI
State Election Commissioner,
Maharashtra.